United Nations S/2009/538

Security Council

Distr.: General
3 November 2009

Original: English

Letter dated 7 October 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

Upon instruction from my Government, I have the honour to transmit hereby the report of the United Nations Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone.*

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

* The attachment transmitted by the Permanent Representative of the Libyan Arab Jamahiriya is identical to the annex to document A/64/490.

09-59305 (E) 051109

Please recycle

United Nations S/2009/539

Security Council

Distr.: General
16 October 2009

Original: English

Twenty-eighth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999). Since June 2006 the frequency of reports on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals, or their remains, has been reduced from every four months to every six months (see S/2006/468 and S/2006/469). My reports under paragraph 14 of Security Council resolution 1284 (1999) now cover both the issue of missing Kuwaiti and third-country nationals and the issue of missing Kuwaiti property, including national archives. My twenty-seventh report (S/2008/761) was submitted in December 2008. The present report covers developments from April to October 2009.

2. Pursuant to the request of the Security Council contained in a letter dated 26 March 2008 (S/2008/206), on 8 April 2009 I submitted a comprehensive report (S/2009/190) which contained a proposal to introduce a confidence- and cooperation-building period between Iraq and Kuwait that would last until June 2010, in order to further encourage the parties to achieve visible and significant progress and to strengthen their practical cooperation. On 16 April, the members of the Security Council supported the proposal for a confidence- and cooperation-building period and joined me in stressing the need for all parties to translate political statements of goodwill into concrete actions to speed up progress during the coming months to resolve outstanding issues, which would further strengthen existing friendly relations between Iraq and Kuwait (press statement, SC/9637-IK/602).

II. Background

3. During the period under review, the Cooperation Council for the Arab States of the Gulf, the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC) kept the issues referred to in the present report on their respective agendas.

4. At its 110th session, the Ministerial Council of the Gulf Cooperation Council, meeting in Jeddah, Saudi Arabia, on 1 March 2009, urged the United Nations and other concerned parties to continue their laudable efforts aimed at resolving the

Please recycle

issues of the return of the Kuwaiti national archives, Kuwaiti missing persons and prisoners of war and other missing third-country nationals. At its nineteenth session, held in Muscat on 29 April 2009, the Gulf Cooperation Council-European Union Joint Council expressed its support for the efforts of the High-level Coordinator aimed at returning Kuwaitis and nationals of other countries, or their remains, and Kuwaiti property, including the archives.

5. At its ministerial-level meeting held on 9 September 2009 in Cairo, the LAS Council renewed its condemnation of the grave human rights violations that took place during the occupation of Kuwait and the obfuscation of the facts relating to the prisoners and missing persons from Kuwait and other States, the mortal remains of many of whom were discovered in mass graves. The Council expressed its profound sympathy for the families of those victims whose remains had been found and concern for the suffering of the families of those whose whereabouts continued to be unknown. The Council commended the cooperative attitude of the Government of Iraq and its efforts towards uncovering the fate of all those Kuwaiti and other missing persons and prisoners.

6. In its final communiqué, the annual coordination meeting of Ministers for Foreign Affairs of OIC member States, held at United Nations Headquarters on 25 September 2009, condemned the massive violations of human rights and the killing of Iraqis, Kuwaitis and the citizens of third countries by the former Iraqi regime, in contravention of international law and international humanitarian law, and welcomed all measures taken by the Government of Iraq to prosecute the criminals.

7. The facts relevant to the mandate of the Coordinator were outlined in section II.C of my report (S/2009/385) pursuant to paragraph 5 of Security Council resolution 1859 (2008).

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

8. On 21 September 2009, I discussed in New York the issue of Kuwaiti missing persons and property with Sheikh Naser Al-Mohammad Al-Ahmad Al-Sabah, Prime Minister of Kuwait, who emphasized the need to undertake concrete steps towards the implementation of the mandate outlined in paragraph 14 of Security Council resolution 1284 (1999) and welcomed the role played by Ambassador Gennady Tarasov, the High-level Coordinator.

9. Throughout the reporting period, the Coordinator focused his efforts on encouraging the intensification of the search for the remains of missing Kuwaiti and third-country nationals and property in the framework of the confidence- and cooperation-building process between Iraq and Kuwait supported by the Security Council. To that end, he maintained regular contacts with Iraq and Kuwait and with other members of the Tripartite Commission chaired by the International Committee of the Red Cross (ICRC).

10. The Coordinator visited Kuwait from 30 May to 3 June to discuss ways and means to ensure the success of the confidence- and cooperation-building period. He was received by the First Deputy Minister for Foreign Affairs, Khaled Al-Jarallah, and met with the Chairman and members of the Kuwaiti National Committee for

Missing Persons and Prisoner of War Affairs. He also met with the Iraqi delegation to the Technical Subcommittee of the Tripartite Commission, which was meeting in Kuwait at that time. The Kuwaiti and Iraqi representatives stressed their intention to accelerate practical steps in order to achieve progress.

11. On 16 July 2009, the Permanent Representative of Iraq to the United Nations addressed a letter to the President of the Security Council informing him that the Government of Iraq had invited Ibrahim Al-Shahin, Chairman of the Kuwaiti National Committee for Missing Persons and his working group to visit Iraq to discuss possible means for reinforcing cooperation on that issue (see S/2009/370). The reply, addressed to Tariq Najm Abdullah, Director of the Office of the Prime Minister of Iraq, was contained in a letter dated 4 August 2009 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council (S/2009/405).

12. Continuing his contacts with the parties, the Coordinator visited Kuwait from 4 to 7 October 2009. He was received by the Prime Minister of Kuwait, Sheikh Naser Al-Mohammad Al-Ahmad Al-Sabah, who stressed the importance of clarifying the fate of missing Kuwaiti nationals, which continued to be a source of anguish for many families in his country. He expressed his appreciation for the role played by the United Nations and spoke in favour of extending the mandate of the Coordinator for another year. The Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Mohammad Al-Sabah Al-Salem Al-Sabah, underlined the humanitarian nature of the issue and expressed the hope that it would soon be resolved. Kuwaiti officials were of the opinion that the mandate had to be carried out until its objectives were attained and that it should not be influenced by political considerations.

13. While in Kuwait, Ambassador Tarasov met with the Chairman and members of the National Committee for Missing Persons, who briefed him on the outcome of the sixty-second session of the Technical Subcommittee, held in Kuwait on 6 October. The session was chaired by ICRC and attended by representatives of Iraq, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, France and the United States of America. The members of the National Committee for Missing Persons welcomed the Iraqi delegation's presentation of a report on the specific measures already taken and yet to be taken by the Iraqi side with a view to finding and returning mortal remains of the missing persons and noted an improved atmosphere since the preceding Subcommittee session. The Coordinator was informed that the delegation of Iraq had presented its plan of action, indicating the reconnaissance activities by Iraqi teams at the burial sites in the provinces of Karbala, Anbar, Baghdad (Salman Pak area), Samawah and Nasiriyah and the expected timeline for their completion by November 2009. It is envisaged that a joint Kuwaiti-Iraqi team will be formed to undertake exhumation should mortal remains of Kuwaiti and third-country nationals be found at these locations.

14. Subsequently, the Coordinator met with the head and members of the Iraqi delegation to the Subcommittee session, who shared with him the above-mentioned plan of action (see annex I). They stressed the determination of Iraq to continue its efforts in the search for missing Kuwaiti and third-country nationals. The Iraqi delegation also showed the Coordinator a newspaper published in Iraq on 16 August which contained photographs of Kuwaiti and third-country missing persons and

asked Iraqi citizens who might have any information about their whereabouts or gravesites to notify the authorities.

15. On 5 October, the Permanent Representative of Iraq to the United Nations, upon instructions from his Government, forwarded to the Coordinator a letter by the head of the legal department of the Iraqi Foreign Ministry which outlined steps taken by Iraq since April 2009 to clarify the fate of missing Kuwaiti and third-country nationals and to return Kuwaiti property. Those activities included, inter alia, visits by Iraqi technical teams to the sites that, according to the data received from Kuwait, were likely to contain the remains of Kuwaiti nationals, marking those sites in preparation for exhumation and the continuing work with witnesses (see annex II).

16. On 7 October the Permanent Representative of Kuwait to the United Nations forwarded to the Coordinator a letter from the Chairman of the National Committee for Missing Persons containing an assessment of current efforts with regard to the search for Kuwaiti and third-country nationals and his views on further steps that needed to be taken by Iraq to achieve tangible progress on the ground. The letter also underscored the importance of the continued role of the United Nations (see annex III).

17. The Tripartite Commission and its Technical Subcommittee remain the primary mechanism for dealing with the issue of missing Kuwaiti and third-country nationals. I am grateful to ICRC for its continued endeavours in that regard.

18. The project by the United Nations Assistance Mission for Iraq and the United Nations Office for Project Services to build the capacity of the Ministry of Human Rights of Iraq for mass grave excavation and identification of missing persons (S/2009/393, para. 10, S/2009/284, para. 17, and S/2008/761, para. 11) has, as at 1 October 2009, resulted in the training of 22 Iraqi officials from the Ministry of Human Rights and the Medical Legal Institute on subjects such as forensics, forensic anthropology and pathology, digital surveys and database management. It is envisaged that the second stage of the project will take place at actual mass grave sites and will include excavation, anthropological examination and data recording. One of these sites is believed to contain the remains of Kuwaiti missing persons.

19. In another development, on 2 August the Government of the United States announced that the remains of the missing American serviceman, Captain Michael Scott Speicher, had been found in Iraq and positively identified. I would like to offer my sincere condolences to the family and friends of Captain Speicher.

IV. Recent activities with regard to the return of Kuwaiti property

20. In spite of my numerous and insistent calls, the Kuwaiti national archives have not been found and no credible information about their whereabouts has emerged. In all of his contacts, the Coordinator has consistently stressed the need to intensify the search for the archives.

21. While in Kuwait, the Coordinator discussed that subject in detail with the Director of the Department of International Organizations of the Ministry of Foreign Affairs, Mansour Al-Otaibi. The latter emphasized the historical value of the

Kuwaiti national archives, which included documents belonging to the Amiri Diwan, the Office of the Prime Minister and the Ministry of Foreign Affairs. The Coordinator was told that Kuwait would welcome the preparation by Iraq of a specific plan of action to demonstrate that a concerted effort to investigate the fate of the archives was under way.

22. Iraq has continued to return items seized by the former Iraqi regime during its occupation of Kuwait. On 24 June, Iraq handed over to Kuwait silver coins, traveller's cheques, Kuwaiti postage stamps and old-issue bank notes belonging to the Central Bank of Kuwait (see S/2009/350).

V. Observations

23. I welcome the fact that the first six months of the confidence- and cooperation-building period have brought about initial indications of movement on the issue of missing Kuwaiti and third-country nationals. I commend the concrete efforts undertaken by Iraq to meet its responsibilities under paragraph 14 of Security Council resolution 1284 (1999). I appreciate Kuwait's positive and supportive attitude.

24. Progress remains fragile, however. The main task of discovering and identifying the victims and, finally, closing their files lies ahead. This objective can be achieved only through increased cooperation between the two countries within the framework of the Tripartite Commission, with the continued support of the international community and the Security Council.

25. The attainment of practical results on the ground is a matter of primary importance. I call on Iraq and Kuwait to redouble their efforts in the coming months to achieve visible and significant progress in the search for missing persons and property, including archives. This will not only help to resolve the long-standing humanitarian issue but also increase mutual trust and confidence, thus contributing to the resolution of other outstanding problems between the two countries, strengthening their good-neighbourly relations and enhancing regional stability and cooperation.

26. I recommend that the Security Council extend the financing of the Coordinator's mandate until June 2010 in order to achieve its objectives and promote the process of confidence- and cooperation-building between Iraq and Kuwait.

Annex I

Plan of action submitted by Iraq to the sixty-second session of the Technical Subcommittee, held on 6 October 2009 in Kuwait City

[Original: Arabic]

Name of burial ground	*Estimated cost*	*Estimated period for completion*
Burial sites in Karbala Governorate	6 million dinars	14 days' work during the period from 1 to 14 October 2009
Burial sites in Anbar Governorate	3 million dinars	6 days' work during the period from 15 to 20 October 2009
Burial sites in Baghdad Governorate, Al-Mada'in area	2.5 million dinars	4 days' work during the period from 25 to 28 October 2009
Burial sites in Samawah Governorate	3 million dinars	6 days' work during the period from 1 to 6 November 2009
Burial sites in Nasiriyah Governorate	5 million dinars	10 days' work during the period from 7 to 17 November 2009

Notes:

[Original: English]

The same team currently in Karbala III is appointed to carry out the reconnaissance mission to all sites listed above. The mission in Karbala III is currently ongoing; for two weeks after that, it will work on the other sites, one after the other.

[Original: Arabic]

Once the searches mentioned in the plan above have been completed and it has been ascertained whether there are any remains of Kuwaiti missing persons at those sites, then, if any do exist, a joint committee will be formed between the Iraqi and Kuwaiti sides to start the operation of removing the remains, as indicated in articles 11-9 of the minutes of the sixtieth session of the Technical Subcommittee, held in Kuwait City on 1 June 2009.

Annex II

Letter dated 5 October 2009 from the Permanent Representative of Iraq to the United Nations addressed to the High-level Coordinator

Upon the instruction of my Government, I have the honour to attach herewith the steps taken by the Iraqi Government during the last six months on the issue of the repatriation or return of all Kuwaiti and third-country nationals, or their remains, and the return of all Kuwaiti property (see enclosure).

I have the further honour to request the inclusion of this information in the Secretary-General's report on the repatriation or return of all Kuwaiti and third-country nationals, or their remains, and the return of all Kuwaiti property.

(*Signed*) Hamid **Al Bayati**

Enclosure

Letter dated 5 October 2009 from the Iraqi Ministry of Foreign Affairs Legal Department addressed to the High-level Coordinator regarding steps taken by the Iraqi parties responsible for Kuwaiti missing persons and property

[Original: Arabic]

1. Gathering of data on and evidence of the supposed whereabouts of Kuwaiti missing persons: all the various security mechanisms were approached with a view to obtaining information on the issue, and pictures of alleged Kuwaiti missing persons were published in official newspapers.

2. When the most recent information on graves of Kuwaiti victims was received by Iraq on 9 June 2009, several task forces were formed by the relevant Iraqi authorities and dispatched to the governorates set forth below with a view to investigating burial sites:

(a) On 1 July 2009, a task force visited Karbala Governorate and viewed Karbala 3 burial site. On the basis of information received from Kuwait on 9 June 2009, it verified sites that had been presumed to be graves. The sites were marked out on the ground in preparation for exhumation;

(b) On 6 July 2009, a technical task force visited the Salman Pak site, verified the data on the supposed graves and marked them out on the ground. Information was sent to the mission for transmission to the Kuwaiti side;

(c) On 19 July 2009, on the basis of information provided by the Kuwaiti side, a task force went to Dhi Qar Governorate and, in preparation for exhumation by a technical team, verified on the ground data on supposed Kuwaiti missing persons;

(d) On 21 July 2009, a task force visited Anbar Governorate in order to view a supposed Kuwaiti missing persons burial site. On the basis of the information provided, the site was marked out on the ground in preparation for exhumation;

(e) On 26 July 2009, a team visited Muthanna Governorate in order to view two burial sites in Salman Province. On the basis of the information provided, the site was marked out on the ground in preparation for exhumation;

(f) Jahara witness: on 27 July 2009, an Iraqi witness was escorted to Kuwait. He had information on the supposed burial sites of Kuwaiti missing persons in the Jahara region. He indicated on the ground the location of the site, inside a Kuwaiti 80th Brigade camp.

3. Once the site-viewing and verification process had been completed, the relevant teams began exhumation. On 26 September 2009, the relevant task force went to Karbala Governorate in order to undertake the exhumation of 27 supposed sites. By 1 October 2009, 15 of those sites had been dug up. Work continues at those sites, with a view to finding the remains of Kuwaiti missing persons. In due course, teams will be sent to the other governorates in which the information indicates that remains of Kuwaiti missing persons exist.

4. The Ramadi witness: through the Iraqi embassy in Damascus, the Iraqi side contacted the aforementioned witness, who lives in Damascus. After discussions, he came to Baghdad on 17 September 2009 and undertook to bring samples of bone from a grave in Anbar Governorate that he believes belong to Kuwaiti victims. It is hoped that the site will be handed over to the Government of Iraq as soon as the origin of the bone has been established. Work is continuing and being followed up by the relevant Iraqi parties.

5. With respect to Kuwaiti property, the following measures have been taken:

(a) Iraq has handed over to the Kuwaiti side a total of 24 items that had been held by the Central Bank of Iraq, comprising 22 wooden boxes, a plastic container and a metal case. Those items had been seized by the former regime during its 1990 invasion of Kuwait and included silver coins, traveller's cheques, Kuwaiti postage stamps and old-issue bank notes in the amount of 2,121,166.230 Kuwaiti dinars. The aforementioned materials were handed over to the Kuwaiti side on 24 June 2009 by an Iraqi delegation that had visited Kuwait for that purpose;

(b) On 2 March 2009, Iraq handed over to the Kuwaiti side a total of 4,539 audio and videotape recordings belonging to the Kuwaiti Ministry of Information. The handover took place at the Kuwaiti Ministry of Information and was conducted by an Iraqi delegation that had visited Kuwait for that purpose, in the presence of Ambassador Gennady Tarasov, the Secretary-General's High-level Coordinator.

(*Signed*) Arshad **Tawfiq**
Ambassador
Head of Legal Department

Annex III

Letter dated 7 October 2009 from the Permanent Representative of Kuwait to the United Nations addressed to the High-level Coordinator

It is my pleasure to enclose herewith for your kind attention a letter from Dr. Ibrahim Majid Al Shaheen, the acting President of the National Committee for Missing Persons and Prisoner of War Affairs, responding to what was put forward by the Iraqi side in the latest meeting of the Technical Subcommittee concerning the steps taken to follow up the case of the Kuwaiti prisoners (see enclosure).

Furthermore, please include this response in your upcoming report to be submitted to the Security Council.

(*Signed*) Abdullah **Al Murad**

Enclosure

Letter dated 6 October from the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs addressed to Ambassador Gennady Tarasov, High-level Coordinator for the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of all Kuwaiti property, including archives, seized by Iraq

[Original: Arabic]

1. In reference to the meeting held with you on 6 October 2009 at the headquarters of the National Committee for Missing Persons and Prisoner of War Affairs, during which you were apprised of the results of the sixty-second session meeting of the Technical Subcommittee of the Tripartite Commission, we should like first of all to express to you the appreciation of the State of Kuwait for your role in supporting its efforts to ascertain the fate of Kuwaiti prisoners and third-country nationals and also to assure you that your efforts have played an effective part in any progress made in the work of the Tripartite Commission and the Technical Subcommittee. We trust that your support for this humanitarian issue of Kuwait will continue.

2. With regard to the outcomes of the sixty-second session of the Technical Subcommittee, we should like, in keeping with our desire to place before you all the facts that support your efforts, to offer an assessment of the stages of the work up to the recent Technical Subcommittee session, as follows:

(a) At the last (sixty-second) session of the Technical Subcommittee, we noted that there was a desire on the part of all the States members of the Subcommittee (the United States of America, the United Kingdom, the French Republic, the Kingdom of Saudi Arabia, Iraq and Kuwait) to work as a single team, a fact which in itself is a positive sign of the humanitarian thrust of the Technical Subcommittee's work;

(b) We wish to emphasize that the remarks made by the Iraqi delegation concerning the steps taken by the Government of Iraq with regard to follow-up of the question of Kuwaiti prisoners represents a positive sign with respect to the handling of that humanitarian issue. However, the real yardstick is the achievement of results consisting in the finding of the remains of Kuwaiti prisoners in Iraq. Achieving tangible results requires Government support in that direction at the highest level, which in turn implies the creation of a team comprising all the parties and authorities concerned, with responsibility for bringing the issue of Kuwaiti prisoners to a conclusion;

(c) We reaffirm that the maps and coordinates that have been submitted by the State of Kuwait and are believed to indicate locations in Iraq where there exist remains of Kuwaiti prisoners are the result of efforts on the part of Kuwait. The maps and coordinates are intended to serve as guides and are based on information received by Kuwait from numerous quarters. Our aim in providing them is to assist the Iraqi side in search operations at digging sites. There is no doubt that the work must not stop at mere searching or digging, for indeed we hope that the Iraqi authorities will make efforts suggestive of the

work of a detective or prosecutor, with a view to finding the sites where those prisoners were buried;

(d) With regard to the publication of pictures of the prisoners, we believe that it should not be limited to just one time but that they should be published periodically. We hope that the Ministry of Human Rights will prosecute this matter promptly, repeating the publication of the pictures in more than one of the various media (newspapers, television, radio) and continuing to remind the Iraqi people of this issue both at home and abroad, because that may help lead to information concerning Kuwaiti prisoners from persons who were detained in Iraq at the same time. We suggest that such announcements should also mention the International Committee of the Red Cross as one of the authorities to which such information can be submitted, either in Iraq or elsewhere;

(e) We should like to stress that finding those remains constitutes an obligation for the Iraqi side, and it should be borne in mind that the information, coordinates and maps provided by the State of Kuwait continue to be guiding elements to assist the Iraqi side in ultimately ascertaining the fate of the Kuwaiti prisoners and third-country nationals. Let us emphasize too that the search for information pertaining to the Kuwaiti prisoners requires initiative and follow-up, especially with respect to witnesses who have information concerning those prisoners. In the past, many bodies were brought from Iraq by follow-up with witnesses and information provided by Kuwait. We hope that the Iraqi side will follow the same method in order to locate the places where the prisoners were buried. We believe Iraqi action with respect to the Ramadi witness on the basis of a request by the State of Kuwait shows the validity of that approach for obtaining information and achieving positive results;

(f) While we believe it is necessary to encourage steps on the part of the Iraqi side in the hope of achieving positive results in ascertaining the fate of Kuwaiti prisoners, at the same time we emphasize its legal and humanitarian responsibility. We also stress that those steps must yield tangible positive results indicative of real cooperation in resolving the Kuwaiti prisoner issue.

3. In reaffirming Iraq's legal and humanitarian obligation towards the international community to resolve this issue, we also affirm the following:

(a) The need to have follow-up to the activity of the Iraqi side and evaluation thereof by the United Nations, based on the criterion of the results achieved, and not to settle for mere declarations about activities, so as to avoid any encouragement that might lead to a slackening of those activities;

(b) Our full appreciation for the role of the International Committee of the Red Cross in connection with Kuwait's humanitarian issue, while at the same time we stress the need for a continued role of the United Nations in monitoring the seriousness of both activities and results;

(c) The fact that implementation of Security Council resolution 1284 (1999) requires the return to Kuwait of all remains of Kuwaiti prisoners and third-country nationals.

4. We wish to express to you once again our appreciation of your active role in support of the Kuwaiti prisoner issue and wish you success in your humanitarian missions.

(*Signed*) Ibrahim Majed **al-Shaheen**
Acting Chairman of the Committee

United Nations S/2009/540

Security Council

Distr.: General
19 October 2009

Original: English

Letter dated 16 October 2009 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to submit herewith the package of proposals entitled "Cooperation for Peace, Justice and Progress", presented by the Islamic Republic of Iran to the countries of the 5+1 group for comprehensive and constructive negotiations (see annex). This package was also presented to the ambassadors of the countries of the 5+1 Group in Tehran on 9 September 2009.

I would appreciate it if you could kindly bring the present letter and its annex to the attention of the members of the Security Council and circulate it as a document of the Council.

Mohammad **Khazaee**
Ambassador
Permanent Representative

09-56666 (E) 201009

Please recycle

Annex to the letter dated 16 October 2009 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Cooperation for Peace, Justice and Progress
Package of proposals by the Islamic Republic of Iran for Comprehensive and Constructive Negotiations

There is no doubt that our world is at the threshold of entering a new era. The difficult era characterized by domination of empires, predominance of military powers, dominance of organized and interrelated media networks and competitions on the basis of offensive capability and the power from conventional and non-conventional w[illegible]s is coming to an end. A new era characterized by cultural approach and rational thinking and respect for the true godly essence of humankind is flourishing and blossoming. Many of the predicaments facing our world today, such as the unprecedented economic crisis, the cultural and identity crisis, political and security dilemmas, and the mushrooming of terrorism, organized crimes and illicit drugs, are the products of the fading era of domination of ungodly ways of thinking prevailing in global relations and the ominous legacy for present and future generations of humanity.

Resolution of these problems and creating a world filled with spirituality, friendship, prosperity, wellness and security requires reorganization and creating an opportunity for broad and collective participation in the management of the world. The existing mechanisms are not capable of meeting the present needs of humankind and their ineffectiveness has been clearly proven in the realms of economy, politics, culture and security. These mechanisms and structures are the direct products of relations based on brute power and domination, while our world today needs mechanisms that come from divine and godly thinking and an approach based on human values and compassion. The new mechanisms should pave the way for advancement, the full blossoming of the talents and potentials of all nations and the establishment of lasting world peace and security.

The Iranian nation is prepared to enter into dialogue and negotiation in order to lay the ground for lasting peace and regionally inspired and generated stability for the region and beyond and for the continued progress and prosperity of the nations of the region and the world. Our desire to enter into this dialogue and cooperative relationships proceeds from our inherent national, regional and international capacity and strength, our principled and historical commitment in applying this capacity to foster peace, tranquillity, progress and well-being for nations in our region and beyond. We stand ready to enter into this dialogue on the basis of godly and human principles and values, including the recognition of the rights of nations, respect for sovereignty and principles of democracy and the right of people to have free elections, as well as refraining from imposing pressure or threats and moving forward on the solid foundation of justice and law.

The Islamic Republic of Iran believes that within the framework of principles of justice, democracy and multilateralism, a wide range of security, political, economic and cultural issues at regional and global levels could be included in these negotiations and with a view to fostering constructive cooperation for the advancement of nations and the promotion of peace and stability in the region and the world.

As it was clearly stated last year in our proposed package, the Islamic Republic of Iran believes that drawing lessons from past mistakes and not insisting on futile paths that have proved to be of no avail is the prerequisite for success in the upcoming negotiations. Accordingly, the commitment of all parties involved to, firstly, the composition of a new structure of international interactions that is free from past errors, and secondly, the expression of good intent by all parties both in words and deeds in demonstrating commitment to justice and law can lead to a new phase in negotiations for long-term cooperation, with a view to consolidating lasting peace and security in the region and the world.

Political, security, economic and international issues are the primary subjects that have raised shared concerns in the region and the world for governments and nations. The Islamic Republic of Iran firmly believes that, proceeding from the principles and fundamentals stated above and in light of the present state of affairs in our world, we all need to show compassion and concern for the destiny of humanity and to turn these shared concerns into collective commitments for the purpose of paving the way for effective regional and international cooperation.

The Islamic Republic of Iran voices its readiness to embark on comprehensive, all-encompassing and constructive negotiations, aiming at acquiring a clear framework for cooperative relationships by ensuring the adherence of all parties to collective commitments, a future free from injustice that promises welfare and progress free from double standards for all nations of the region and the world.

Proceeding from regional and international priorities, the axes of the negotiations for peace and prosperity can be included in three main areas: political-security issues, international issues and economic issues.

1. Political-security issues

1.1 Protecting human dignity, respect for their culture and their rights.

1.2 Consolidating stability and fostering just peace, promotion of democracy and enhancement of prosperity of nations in regions that suffer from instability, militarism, violence and terrorism on the basis of:

First: Respect for the rights of nations and national interests of sovereign states;

Second: Consolidating the national sovereignty of countries in the framework of democratic practices;

Third: Refraining from violence and militarism;

Fourth: Tackling the root causes of terrorism.

Some parts of the world, especially in Middle East, the Balkans, parts of Africa, South America and East Asia, need to be accorded priority. Joint efforts and interactions to help the people of Palestine to draw a comprehensive, democratic and equitable plan in order to help the people of Palestine to achieve all-embracing peace and lasting security and to secure their fundamental rights could be good examples of the cooperative relations.

1.3 Combating common security threats by dealing effectively and firmly with the main causes of security threats, including terrorism, illicit drugs, illegal migrations, organized crimes and piracy.

2. International issues

2.1 Reform of the United Nations and the Security Council and raising their effectiveness on the basis of principles of democracy and justice.

2.2 Elevating the weight and position of environmental issues in international relations and fostering collective participation in the management of environmental issues.

2.3 Equitable definition and codification of the rights to space and sharing of all possessors of space technology in the management and fair use of space.

2.4 Definition and codification of the rights relating to new and advanced technologies.

2.5 Promoting a rule-based and equitable oversight function of the IAEA and creating the required mechanisms for use of clean nuclear energy in agriculture, industry and medicine and power generation.

2.6 Promoting the universality of NPT, mobilizing global resolve and putting into action real and fundamental programmes towards complete disarmament and preventing development and proliferation of nuclear, chemical and microbial weapons.

2.7 Enhancement of ethical and human considerations and their full observance in international mechanisms, ties and practices.

3. Economic issues

3.1 Energy and its security in production, supply, transport and consumption.

3.2 Trade and investment.

3.3 Capacity-building for the promotion of public welfare, global poverty alleviation, reducing social gaps and bridging the gap between the South and the North.

3.4 Finding the root causes of the global economic and financial crisis and preventing the occurrence of other manifestations of crisis in the world economy and designing new and just mechanisms.

3.5 Combating underground economy, economic corruption, financial frauds and organized crime activities that are detrimental to economic security.

United Nations S/2009/541

Security Council

Distr.: General
19 October 2009

Original: English

Letter dated 19 October 2009 from the Officer-in-Charge of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to transmit herewith press statements which were adopted by the African Union Peace and Security Council at its 206th meeting, held in Addis Ababa on 15 October 2009, on the situation in the Republic of Guinea and on the funding of African Union-led peace support operations and cooperation between the African Union and the United Nations, respectively (see annexes I and II).

It will be appreciated if the text of the documents referred to above could be circulated as a document of the Security Council.

(*Signed*) Alice **Mungwa**
Officer-in-Charge

09-56750 (E) 211009

Please recycle

Annex I to the letter dated 19 October 2009 from the Officer-in-Charge of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

[Original: English and French]

Press statement of the 206th meeting of the Peace and Security Council

15 October 2009

The Peace and Security Council of the African Union (AU), at its 206th meeting held on 15 October 2009, was briefed by the Commissioner for Peace and Security and the Special Envoy of the Chairperson of the Commission for Guinea on the situation in Guinea, in the light of recent developments in the country and the results of the eighth session of the International Contact Group on Guinea, held in Abuja on 12 October 2009.

The Council strongly condemned the killings and the deliberate acts of violence against unarmed civilians and the raping of women by armed units under the authority of the Conseil national pour la défense de la démocratie (CNDD) during a peaceful demonstration organized on 28 September 2009 at Conakry. The Council demanded that the de facto authorities in Guinea take all necessary steps to prevent the repetition of such violence and the deterioration of the situation. The Council also supported the call for the release of all persons detained and for respect for freedom of expression.

The Council endorsed the statement by the Commission issued for 29 September 2009 and the communiqué of the eighth session of the International Contact Group, in particular the invitation to the Secretary-General of the United Nations, in conjunction with the Economic Community of West African States (ECOWAS) and AU with the support of the United Nations High Commissioner for Human Rights, to establish an International Commission of Inquiry to shed light on the events of 28 September 2009, so that those responsible are brought to justice.

The Council welcomed the forthcoming Extraordinary Summit of ECOWAS on 17 October 2009 to discuss the situations in Guinea and the Niger and looked forward to the conclusions of the meeting.

The Council reiterated its decision of 17 September 2009 to impose appropriate sanctions against the President of CNDD and other individuals, civilian and military, if by 17 October 2009 the authorities did not formally confirm the commitment of the President of CNDD that neither he nor other members of CNDD, nor the Prime Minister, would run in the presidential election, and to observe the neutrality expected of the junta in the conduct of the electoral process. The Council requested the Commission, in collaboration with ECOWAS and AU partners, to take the necessary steps with a view to finalizing the measures to be taken and the list of individuals to be targeted by the sanctions and to report to it thereon.

The Council gave its full support to the mediation efforts by President Blaise Compaoré of Burkina Faso, in conformity with the mandate given to him for that purpose by the Chairman of ECOWAS, in response to the request made by the

President of the Commission following the conclusions of the seventh session of the International Contact Group held in New York on 22 September 2009.

The Council agreed to meet again to discuss the situations in Guinea and the Niger, in the light of the outcomes of the Extraordinary Summit of ECOWAS.

Annex II to the letter dated 19 October 2009 from the Officer-in-Charge of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

[Original: English and French]

Press statement of the 206th meeting of the Peace and Security Council

15 October 2009

The Peace and Security Council of the African Union (AU), at its 206th meeting held on 15 October 2009, had an exchange of views on the funding of AU-led peace support operations and cooperation between AU and the United Nations in the light of the report of the Secretary-General of the United Nations on support to African Union peacekeeping operations authorized by the United Nations, dated 18 September 2009 (A/64/359-S/2009/470).

The Council recalled its communiqué PSC/PR/Comm(CLXXVIII) of 13 March 2009, as well as earlier AU decisions and statements regarding the funding of AU-led peace support operations and the cooperation between AU and the United Nations in the maintenance of international peace and security.

The Council stressed, once again, that the Security Council of the United Nations has the primary responsibility for the maintenance of international peace and security; that regional arrangements, in particular AU, have an important role to play in the prevention, management and resolution of conflicts, in accordance with Chapter VIII of the Charter of the United Nations; and that support by the United Nations to the regional organizations in matters relating to the maintenance of international peace and security is an integral part of collective security, as provided for in the Charter. In this respect, the Council underlined that, in undertaking peace support operations, AU is acting on behalf of the Security Council and the larger international community, while fulfilling its own mandate and promoting the goals and principles of its Constitutive Act.

The Council took note of the report of the Secretary-General and expressed the readiness of AU to continue working with the United Nations towards ensuring predictable, sustainable and flexible funding for AU-led peace support operations through assessed contributions. In this respect, the Council reiterated that the report of the African Union-United Nations Panel marked an important step in the overall efforts to enhance the capacity of AU to meet the peace and security challenges facing the continent and to mobilize greater support within the larger international community, and every effort should be made to build on the recommendations contained therein and subsequent initiatives, including the United Nations support package to the African Union Mission in the Sudan (AMIS) and the provisions of Security Council resolution 1863 (2009) of 16 January 2009 regarding the logistical support package to the African Union Mission to Somalia (AMISOM).

The Council noted the recommendations contained in the report with respect to the strategic partnership between the United Nations and AU, which provide a good basis for strengthening the cooperation between AU and the United Nations in the maintenance of international peace and security. The Council stressed the need for

an effective follow-up. The Council also noted with appreciation the recommendations regarding capacity-building for peacekeeping operations and requested the AU Commission and the United Nations Secretariat to work closely together for their effective implementation. The Council further requested the Commission to brief the African Group in New York on this matter.

United Nations S/2009/542

Security Council

Distr.: General
21 October 2009

Original: English

Tenth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The present report is my tenth semi-annual report on the implementation of Security Council resolution 1559 (2004). It assesses progress in the implementation of the resolution since my last report on 24 April 2009 (S/2009/218), and highlights the remaining concerns that continue to impede efforts to strengthen the sovereignty, territorial integrity and political independence of Lebanon.

2. On 7 June 2009, parliamentary elections were held in Lebanon. For the first time in the history of the country, parliamentary elections were held on a single day. National institutions performed remarkably well, especially the Ministry of Defence and above all the Ministry of Interior. These elections were characterized by the highest voter turnout in the history of Lebanon and were generally heralded as a major success, with international and local observers deeming them to have been free and fair, despite some shortfalls and minor security incidents. According to official results, candidates belonging to the 14 March Alliance won 71 seats and candidates from the 8 March Alliance won 57 seats.

3. On 25 June, President Nabbih Berri was re-elected for a fifth term as Speaker of Parliament with a majority of 90 votes.

4. On 27 June, after consultations with the parliamentary blocs, President Michel Sleiman issued a decree tasking Member of Parliament Saad Hariri to form a Government. The same day, Prime Minister-designate Saad Hariri vowed to form a national unity Government, consistent with his campaign commitment, in cooperation with the President. By the end of July 2009, political leaders announced that they had reached an agreement on the distribution of cabinet seats (15 for 14 March Alliance, 10 for 8 March Alliance and 5 for the President of the Republic), but had not yet on names of ministers.

5. On 10 September, Prime Minister-designate Saad Hariri stepped down after the opposition rejected his cabinet proposal. On 14 and 15 September, President Michel Sleiman conducted a new round of consultations with all parliamentary blocs. As a result of these consultations, he reappointed Saad Hariri as Prime Minister-designate, and tasked him to form a Government.

6. On 23 September, President Bashar al-Assad travelled to Jeddah, Saudi Arabia, on the occasion of the inauguration of the King Abdullah University of Science and

Please recycle

Technology, on the margins of which he held a summit meeting with the Saudi monarch. On 7 October, King Abdullah Bin Abdul Aziz Al Saud undertook his first visit to the Syrian Arab Republic since his accession to the throne for a summit with the Syrian President. At the closure of the summit on 8 October, the two leaders released separate statements calling for the formation of a national unity Government in Lebanon. These two visits are widely perceived to have contributed to easing the political situation in Lebanon.

7. Over the past six months, political life in Lebanon was focused essentially on the parliamentary elections and the efforts to form a Government thereafter. While political differences have become more visible in the context of the formation of a new Government, Lebanon's security situation has been generally calm. President Michel Sleiman has deployed significant efforts to maintain a positive atmosphere and promote national unity. Meanwhile, as at 21 October 2009, no Government had been formed.

II. Implementation of resolution 1559 (2004)

8. Since the adoption of Security Council resolution 1559 (2004) on 2 September 2004, I take positive note that several of its provisions have been implemented. Presidential and parliamentary elections took place in a free and fair manner. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic established full diplomatic relations and have engaged in high-level talks on matters of relevance to the sovereignty, political independence and territorial integrity of Lebanon, such as the delineation of their common border, as strongly encouraged by the Security Council in its resolution 1680 (2006).

9. However, the existence and activities of Lebanese and non-Lebanese militias, in contravention of the requirements of resolution 1559 (2004), continue to pose a threat to the stability of the country, and challenge the need for the Government of Lebanon and the Lebanese Armed Forces to exercise the monopoly on the use of force throughout Lebanon. Thus the implementation of resolution 1559 (2004) has to continue.

10. Over the past six months, my representatives and I have remained in regular and close contact with all parties in Lebanon, as well as with relevant regional and international players. I held two meetings with President Michel Sleiman; once on the margins on the non-aligned-movement summit in Sharm el-Sheikh, Egypt, in July 2009; and in New York, on the margins of the ministerial week of the sixty-fourth session of the General Assembly in September 2009. On these occasions, my representatives and I expressed full support for the sovereignty, independence and territorial integrity of Lebanon and the progress made in this regard, and urged for the full implementation of this and all other resolutions pertaining to Lebanon. I have also followed up carefully the dynamics in the region and noted their impact on the political situation within Lebanon.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

11. The main objective of resolution 1559 (2004) is to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, consistent with the Taif Agreement of 1989, to which all the political parties in Lebanon committed. For this reason, this matter has remained the highest priority on the United Nations agenda for Lebanon and in my efforts to assist with the implementation of the resolution.

12. During the reporting period, I am glad to report that Lebanon and the Syrian Arab Republic completed the establishment of full diplomatic relations between the two countries. Indeed, on 20 April, the Ambassador of Lebanon to the Syrian Arab Republic, Michel Khoury, arrived in Damascus to take up his post. On 7 May 2009, he presented his credentials to President Bashar al-Assad. The Ambassador of the Syrian Arab Republic to Lebanon, Ali Abdel Karim Ali, presented his credentials to President Michel Sleiman on 29 May. Both countries now operate embassies in each other's capitals for the first time since their independence. With these steps taken, I confirm that Lebanon and the Syrian Arab Republic have fulfilled the relevant provision of resolution 1680 (2006), encouraging the two countries to establish full diplomatic relations. I commend Presidents Al-Assad and Sleiman for the process they set in motion in August 2008 and completed just before the Lebanese parliamentary elections.

13. I have maintained my efforts to encourage the Syrian Arab Republic and Lebanon to begin the full delineation of their common border, as called for by resolution 1680 (2006). I regret, however, that little tangible progress has been made over the past six months. While I note that the Lebanese-Syrian border committee has been reactivated, at this stage only Lebanon has appointed its delegation to it, and it has yet to meet. I strongly encourage the Syrian Arab Republic and Lebanon to begin the process of delineating their common border, consistent with resolution 1680 (2006).

14. Israel, in violation of Lebanon's sovereignty and relevant Security Council resolutions, has still not withdrawn from the northern part of Ghajar. I note that diplomatic efforts in relation to the issue of the Shab'a Farms area have not yet yielded any positive results.

15. Violations of Lebanese airspace by Israeli aircrafts have continued in contravention of Security Council resolutions. The Government of Lebanon continued to protest these overflights. I have raised this matter repeatedly with the Israeli authorities at the highest level, which claim in turn that these overflights are carried out for security reasons. My representatives and I deplore these violations and call on Israel to cease such overflights.

16. In recent months, the Lebanese authorities have arrested a significant number of individuals suspected to be part of an Israeli spy network, many of whom have now been formally charged. On 20 May, the Permanent Representative of Lebanon to the United Nations, through identical letters addressed to the President of the Security Council and to me (S/2009/264), conveyed information on this matter. In a second letter, dated 2 June, the Permanent Representative of Lebanon provided a further update on the issue (S/2009/287).

B. Extension of Government control over all Lebanese territory

17. The President of Lebanon and the outgoing Government of Lebanon have reiterated their vital interest in extending the Government's authority over all Lebanese territory, so that it is the sole armed forces in the country, with the exception of the United Nations Interim Force in Lebanon (UNIFIL). In this context, the Lebanese Armed Forces play a crucial role in strengthening Lebanon's sovereignty and control over all the country, thereby promoting stability in Lebanon and beyond.

18. The Lebanese authorities reaffirmed to me their commitment to improve the monitoring of land borders to prevent unauthorized flows of weapons, munitions and personnel into the country. I commend the efforts of the outgoing Lebanese Government with regard to the control of the land borders with the Syrian Arab Republic.

19. Meanwhile, the continued presence of weapons outside the Government's control and activities of militias constitute a challenge to the Government's exclusive military authority. Furthermore, there are reports of a proliferation of activities by extremist groups and of arms in Lebanon. I take these reports seriously but the United Nations does not have the means to independently verify them. In this context, I call upon all States to abide by the arms embargo. This is a key factor for stability in Lebanon and the region.

20. I am concerned by the repeated security incidents in and around Tripoli. In particular, on 17 August, a bomb exploded in Bab al-Tabbaneh, causing material damage but no injuries. This was followed by the discovery of a second bomb on 20 August in the Mallouleh area, which was removed and disposed of by the security services. On the night of 24 August, another explosion took place. In addition, two separate security raids in late August led to the discovery and confiscation of private arms stores. More recently, on 7 and 8 October, Tripoli has been the scene of security breaches as rocket-propelled grenades hit many locations in Jabal Mohsen and Bab al-Tabbaneh neighbourhoods, wounding at least eight people. While these incidents were contained, they are an ongoing test to Lebanon's stability. They also highlight the presence of weapons outside the Government's control.

21. The permanent presence of paramilitary infrastructures belonging to the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah al-Intifadah on the border between the Syrian Arab Republic and Lebanon gives these militias de facto control of parts of the land border. Given the general porosity of parts of the Syrian-Lebanese border, which renders it easily penetrable, I call upon Lebanon and the Syrian Arab Republic to address seriously this dangerous anomaly.

22. On 11 September, two rockets were launched against Israel from the area of Al-Qulaylah, in southern Lebanon. Israel retaliated by firing 12 artillery shells. No casualties or severe damages were reported on either side. The United Nations sent a letter of protest to the Lebanese Armed Forces for the rocket launching and a letter of concern to the Israel Defense Forces (IDF) regarding the retaliation fire. The Lebanese authorities are leading the investigation to identify and apprehend the perpetrators. I commend the efforts of UNIFIL and the Lebanese Armed Forces to

investigate and deter future such attacks, which constitute a grave violation of Security Council resolutions and threaten to provoke renewed hostilities.

23. At least two explosions occurred on 17 and 18 October in the area between Houla and Meiss el-Jabal in southern Lebanon. Preliminary indications, as this report was being finalized, are that the explosions were caused by explosive charges contained in unattended underground sensors that were placed in this area by IDF, apparently during the 2006 war. I am following carefully these incidents and will update the Security Council about them in my upcoming report on the implementation of resolution 1701 (2006).

C. Disbanding and disarming Lebanese and non-Lebanese militias

24. I wish to recall and emphasize that the provision of resolution 1559 (2004), in which the Security Council calls for the disbanding and disarming of all Lebanese and non-Lebanese militias is merely reflecting and reaffirming a decision that all Lebanese committed themselves to in the Taif Agreement in 1989, in the aftermath of the civil war. This understanding led at the time to Lebanese militias, with the exception of Hizbullah, giving up their armed capacities. This agreement must be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese. The threat that armed groups and militias pose to the sovereignty and stability of the Lebanese State cannot be overstated, as events in May 2008 demonstrated. It creates an atmosphere of intimidation incompatible with the conduct of the normal democratic process in a State. It also undermines the stability of the region and stands against the objectives of resolution 1559 (2004), which aims at strengthening Lebanon's sovereignty, territorial integrity, unity and political independence.

25. Since my last report, the National Dialogue on a defence strategy for Lebanon, which brings together the country's political leaders under the chairmanship of President Michel Sleiman, held two additional sessions on 28 April and 1 June. In the absence of a new government since the parliamentary elections of June 2009, this forum could not convene again. A year after President Michel Sleiman kicked off the National Dialogue, participants have so far committed themselves to implementing the decisions adopted at the sessions of the National Dialogue held in 2006, including the dismantling of Palestinian bases outside the camps. They also agreed on the establishment of mechanisms that would assist a future discussion of national defence strategy, on the basis of the proposals already received from members of the National Dialogue and of those that are expected to be submitted in the future. President Michel Sleiman informed me that he would reconvene the National Dialogue as soon as a new Government is sworn in.

Lebanese militias

26. Hizbullah maintains a substantial paramilitary capacity and infrastructure separate from the State, in violation of Security Council resolution 1559 (2004). This arsenal is a direct challenge to the sovereignty of the Lebanese State. I therefore renew my call on Hizbullah to comply immediately with all relevant Security Council resolutions and the Taif Agreement, in the best interest of all Lebanese.

27. I informed the Security Council in my letter of 7 August 2009 (S/2009/407) of the series of explosions in a building near Khirbat Silim that occurred on 14 July 2009, and of incidents of obstructions to the freedom of movement of UNIFIL on 15 and 18 July. In my letter, I noted that there were indications that the building was under the control of Hizbullah, and was an actively maintained arms depot. I also noted that some of the individuals present on 15 July at the site of the explosions were identified to UNIFIL as belonging to Hizbullah. Finally, I noted that this was a clear violation of resolution 1701 (2006). It also constitutes a violation of resolution 1559 (2004).

28. Another incident took place on 12 October involving a fire possibly caused by an explosion in a residential building in the village of Tay Falsay. UNIFIL, in close cooperation with the Lebanese Armed Forces, is conducting an investigation into the incident. I will fully report about it in my upcoming report on the implementation of resolution 1701 (2006).

29. I have noted with deep concern that the leaders of Hizbullah have publicly spoken of the support it provides to Palestinian militants, including military assistance. Hizbullah operatives remain detained and charged in Egypt for allegedly "conspiring to murder, spying for a foreign organization with the intent of conducting terrorist attacks and weapons possession". Their trial started in August 2009 in an Egyptian security court. The members of the cell denied the charges. On 5 October, Ali Karaki and Ali Najmeddine were sentenced to 15 years in prison by Azeri authorities for plotting attacks against the Israeli Embassy in Baku. The Azeri judicial authorities alleged that these were operatives of Hizbullah, which Hizbullah itself denied. Such activities constitute a threat to the stability of the region.

Palestinian militias

30. Another serious threat to the stability and sovereignty of Lebanon is posed by non-Lebanese armed groups.

31. Over the past six months, there has been no progress towards the disarming of Palestinian militias, in accordance with the agreement reached at the National Dialogue sessions of 2006, and reaffirmed by the current National Dialogue, that Palestinian outposts outside the camps would be disarmed. There are four such Palestinian military bases located along the Lebanese-Syrian border, as well as a fifth, south of Beirut. Those military installations are illegally maintained by PFLP-GC and Fatah al-Intifadah. I have called upon the Government of Lebanon to dismantle those bases, and look forward to progress in this regard when a new Government is sworn in.

32. The leadership of the Palestine Liberation Organization (PLO) reiterated its call on the Palestinians in Lebanon to respect the sovereignty and political independence of Lebanon, and Lebanese law and security requirements. I commend the position of PLO Chairman Mahmoud Abbas and urge all Palestinians in Lebanon to abide by it.

33. While the situation in most of the 12 Palestinian refugee camps remains relatively stable, the threat of internal violence that could potentially spill over into surrounding areas exists in a number of camps. Indeed, some of the refugee camps, in particular Ain el-Hilweh, continue to provide safe haven for those who seek to escape the authority of the State. In Ain el-Hilweh camp, several incidents were

registered during the reporting period. On 16 June, two unidentified masked men opened fire at a Fatah officer, Ahmad Abul Kol. He was shot dead, while another individual was injured. The incident was followed by continuous shooting in different areas inside the camp over several days. Other shooting incidents were reported over the last months.

34. Notwithstanding these incidents, closer cooperation between Palestinian camp authorities and Lebanese authorities improved camp security during the reporting period. More needs to be done to contain potential tension in the camps.

35. The conditions of hardship inside Palestinian refugee camps are strengthening radical groups and therefore living conditions of Palestinian refugees in Lebanon should be improved, in the best interest of the wider security situation in the country. I remain convinced that it is imperative that progress be made not only towards disbanding and disarming Palestinian militias in Lebanon, but also towards improving the conditions in which the refugee population lives. In this regard, the work of the Lebanese-Palestinian Dialogue Committee established by outgoing Prime Minister Fuad Siniora should be supported and strengthened to ensure fundamental improvements in living conditions. In this context, continuous financial support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is essential if the crucial task of improving educational and medical services to Palestinian refugees is to be achieved. All this should be achieved without prejudice to the eventual resolution of the Palestinian refugee question in the context of a comprehensive regional peace agreement.

III. Observations

36. I am glad that the Lebanese leaders have heeded my calls and seized the opportunity of the parliamentary election in June 2009 to show their commitment to democracy and to the sovereignty and political independence of their country. The election was yet another milestone in the transition that Lebanon has undertaken since the adoption of resolution 1559 (2004). It was also an important step further along the path of the revitalization of the State's political institutions. I congratulate again the people of Lebanon and all Lebanese parties and institutions concerned on the peaceful conduct of the parliamentary elections. All Lebanese must work together in the spirit of coexistence and democracy.

37. Lebanon and its leaders must maintain this momentum, which, combined with reconciliation efforts in the region, must lead to the expeditious completion of the formation of a new Government. Political leaders should transcend sectarian and individual interests and promote the future and the interests of the nation. I am glad that, despite the delay in the formation of a new Government, political consultations and negotiations are taking place in a calm and secure environment.

38. I am looking forward to working closely with the new Government of Lebanon to further consolidate Lebanon's sovereignty, stability, unity and political independence in accordance with the Taif Agreement and resolution 1559 (2004).

39. The above-mentioned security incidents highlight the presence of weapons and armed groups that continue to operate in Lebanon and whose existence is an ongoing violation of resolution 1559 (2004), and a direct threat to the stability of the country and the region as a whole. The threats posed by the existence of militias

outside the control of the State, especially Hizbullah's vast paramilitary infrastructure, cannot be overstated. Disbanding and disarming militias is of vital importance to strengthen Lebanon's democracy and sovereignty. For this reason, I appeal to all parties, inside and outside of Lebanon, to halt immediately all efforts to transfer or acquire weapons and to build paramilitary capacities outside the authority of the State.

40. The National Dialogue has served as a key mechanism to calm the domestic political situation and represents an inclusive platform to address the key issue of disarmament of militias, as contemplated by the Taif Agreement and relevant Security Council resolutions. I look forward to the convening of new sessions of the National Dialogue by President Michel Sleiman, once a new Government is sworn in. This mechanism is in line with my firm conviction that the disbanding and disarming of Lebanese and non-Lebanese militias should take place through an inclusive political dialogue that addresses the political interests of all Lebanese, and ultimately confirms the sole political and military authority of the Government of Lebanon. In this context, I urge all Lebanese leaders to continue to approach this process in a spirit of cooperation and to exert every effort towards one goal: all arms in Lebanon must be brought under the sole and unique control of the Government of Lebanon.

41. I am mindful that Hizbullah's weapons continue to be central to the political debate in Lebanon and the ongoing process of post-civil war reconciliation. Indeed, the maintenance of an independent paramilitary capacity poses, first and foremost, a key challenge to the safety of Lebanese civilians, and to the Government's monopoly on the legitimate use of force. I call upon the leaders of Hizbullah to complete the transformation of the group into a solely Lebanese political party, consistent with the requirements of the Taif Agreement. Regional parties that maintain close ties with Hizbullah must encourage it in the same direction.

42. The continued presence of paramilitary infrastructure outside refugee camps by the Damascus-headquartered PFLP-GC and Fatah al-Intifadah, in particular along the Syrian-Lebanese border, is of great concern. It is therefore essential that the new Government implement decisions adopted in the context of the National Dialogue in 2006, and recently readopted, to dismantle and disarm Palestinian groups outside the refugee camps.

43. I am concerned by repeated security incidents in and around Palestinian camps. Security cooperation between the Lebanese authorities and Palestinian factions has improved. However, more needs to be done to contain violence that could potentially spill over into surrounding areas. I am also conscious of the living conditions in refugee camps in Lebanon and the challenges that arise from them. I commend the work of the outgoing Government of Lebanon to improve those conditions. It will be imperative for the new Government to build on the initial steps taken by the previous Government, with a view to enabling Palestinian refugees to live in dignity and to ensuring peaceful coexistence between Lebanese and Palestinians, without prejudice to the settlement of the Palestinian refugee question in the context of a comprehensive peace agreement.

44. Given all the challenges mentioned above, I am grateful to those Member States that continue to provide assistance to Lebanese security services and call upon the international community to further assist the Lebanese Armed Forces and Internal Security Forces to become more effective security organizations, resourced

to fulfil their many responsibilities. This is also vital in order to help Lebanon meet its obligations under Security Council resolutions, in particular resolution 1559 (2004).

45. Relations between Lebanon and the Syrian Arab Republic are of key importance and certainly have a bearing on many aspects of the implementation of this and other Security Council resolutions pertaining to Lebanon. I am glad that the two countries have established full diplomatic relations. I congratulate the leaders of the Syrian Arab Republic and Lebanon for their leadership in this process. Against this background, I hope that other aspects of the bilateral relationship can now be tackled. It is my strong conviction that the resumption of efforts to delineate their common border would be of mutual benefit to both countries. I strongly encourage the Syrian Arab Republic and Lebanon to begin this process, consistent with resolution 1680 (2006). Tangible steps in this regard will significantly contribute to efforts to enhance control on the northern and eastern borders of Lebanon, as I remain concerned by the porous nature of these parts of the border and the continuing potential for breaches of the arms embargo. The United Nations stands ready to assist the two countries in this endeavour.

46. In sum, I am pleased that progress continues to be achieved in the implementation of resolution 1559 (2004), whose provisions reflect and support the aspirations that the Lebanese people and leaders committed themselves to in the Taif Agreement. The political and security situation in Lebanon was generally calm and stable during the reporting period. However, the situation remains fragile. It is therefore imperative that Lebanon preserve its comprehensive political framework of coexistence, as set out in the Taif Agreement, in an atmosphere free from violence and intimidation. The presence of weapons in the country outside Government control and the continued existence of militias contribute to tensions and insecurity in Lebanon and beyond, and could eventually lead to the resumption of hostilities unless immediately addressed.

47. I would like to seize this opportunity to commend outgoing Prime Minister Fuad Siniora for all his efforts and resolve to advance the implementation of this and all other Security Council resolutions pertaining to Lebanon during his tenure. He has exercised sound leadership and was a key partner in assisting the work of the United Nations in Lebanon.

48. I call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of these and all other relevant Security Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.